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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-17826-2024
Date of decision : 08.05.2024

Gurjot Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Rajesh Bhatheja, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

Mr. G.S. Sawhney, Advocate
for the complainant.

Mr. Aayush Gupta, Advocate
for the victim.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.97 dated 07.06.2021, registered for the offences punishable under Sections 420, 465, 467, 468, 471 and 201 of IPC at Police Station Sadar Ludhiana, District Police Commissionerate, Ludhiana.
2. FIR was registered on the statement made by Anita Rani w/o Manoj Khosla alleging as under:-

“Sir, it is respectfully submitted as under:-(1)
That I had purchased two plots bearing Numbers
No.939 and 940 each measuring 200 square yards

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out of land bearing Khasra No.44//8-9-10/1-10/2, baring Khata No. 7/7 as per Jamabandi for the year 1997-1998, Hadbast No. 278, situated at Phulanwal, Abadi Basant Avenue Colony, Tehsil and District Ludhiana. The above said plots were purchased vide two separate sale deeds bearing Vasika No. 17972 dated 04.03.2002 and Vasika No. 18080 dated 05.03.2002 duly attested by Sub Registrar (West) Ludhiana. On the basis of above registered sale deeds, mutation was sanctioned on my name in the revenue record. (2) that later on, out of the above plots, 1 had sold one plot bearing No. 940 to Sukhvir Singh Jassar son of Tek Singh, resident of village Jassarh Paddi, District Ludhiana, vide sale deed bearing Vasika No. 2020- 21/101/1/2107dated 21.07.2020 and the possession of this plot was delivered to Sukhvir Singh at the spot and on the basis of this registered sale deed, mutation was sanctioned on the name of Sukhvir Singh in the revenue record vide mutation No. 22662. (3) That, now I also wanted to sell my above said second plot bearing No. 939 and therefore, a few days back I went to the Halqa Patwari for getting the Fard Jamabandi of above said plot and then I came to know that Gurjot Singh had visited the Halqa Patwari for getting the mutation recorded on his name in respect of both the plots bearing No. 939 and 940, but I told the Halqa Patwari that I did not know any such Gurjot Singh Thereafter, on conducting enquiry at my own level, I came to know that accused Sukhdev Singh in conspiracy with the marginal witnesses namely, accused Sant

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Ram and Bhushan Jain, first of all got prepared a bogus Power of Attorney concerning my above property vide General Power of Attorney bearing Vasika No. 1900, page 1, Zild No. 1803 dated 06.01.2003, but the fact is that I never executed any such Power of Attorney in favour of Sukhdev Singh. So, later on, on the basis of the above said General Power of Attorney, accused Sukhdev Singh got executed two fake sale deeds of plots bearing No. 939-940 in favour of accused Gurjot Singh vide Vasika bearing No. 2020-21//101/1/4391 dated 30.09.2020, and in the said bogus sale deeds, accused Ashish Mittal and Harshdeep Singh Devgan are marginal witnesses. Thus, both the documents ie. General Power of Attorney bearing Vasika No. 1900 dated 01.06.2003 and Sale Deed bearing Vasika No. 2020-21//101/1/4391 dated 30.09.2020 have been prepared bogusly and factiously. It is also worthwhile to mention here that in the above sale deed neither any Numberdar stood as witness nor the sale deeds have been got drafted from any deed writer. The above accused persons have done all this in connivance with each other with the intention to grab my property. I have also donee nquiry at my own level regarding above General Power of Attorney bearing Vasika No. 1900 and I have also come to know that as per official record Vasika bearing No. 1900 dated 06.03.2001 is not recorded in the office of Sub Registrar, Ludhiana (East). So, from this fact it is crystal clear that above mentioned General Power of Attorney is fake and fictitious. It is also further

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worthwhile to mention here that I have also come to know that in order to achieve this nefarious design the accused person has got recorded a DDR No. 2221019 dated 23.7.2020 in the police station regarding missing of original Power of Attorney of the said bogus and fictitious attorney. Thereafter, on the basis of above said DDR the accused got prepared a certified copy and got it attested from the concerned office and thereby succeeded in executing the above bogus sale deed. I also want to bring in your kind notice that in carrying out this fraud the concerned staff and employees of Sub Registrar Ludhiana (East) may be involved and this fact can be unraveled during the course of investigation. (4) That on coming to know about this fraud I immediately moved an application before the Sub Divisional Magistrate, Ludhiana, (West) for not sanctioning the mutations on the basis of the above sale deeds which are the result of fraud. (5) Hence, all the above accused persons in connivance with each others have committed a fraud upon me by preparing false and fabricated documents. It is therefore, prayed that appropriate legal action may kindly be taken against the above accused persons and FIR be registered against them and justice be dispensed to me. It is further prayed that legal action may kindly be taken against those accused who will be found involved in the above case during the course of enquiry. Yours sincerely, Sd/- Anita Rani.xxxxx”

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3. Counsel for the petitioner submits that now Anita Rani-the complainant has sold both the plots. Prior to the registration of the FIR as per the contents thereof, she sold one plot bearing No.940 to Sukhvir Singh Jassar s/o Tek Singh and after registration of FIR now the other plot also stands sold by her. So far as the sale deed bearing vasika No.2020-21/101/1/4391 dated 30.09.2020 is concerned, the same was with respect to the plot bearing No.940 which was sold to Sukhvir Singh Jassar prior to the registration of FIR. In the civil lis, the petitioner has suffered a statement that he shall not dispute the title of Sukhvir Singh Jassar and on the basis thereof, the suit filed by Gurjot Singh stands withdrawn. Certified copy of order dated 07.05.2024 has been produced which reads as under:-

“File taken up today on application moved by
Ld. Counsel for the plaintiff.

Sh. GS Gill Advocate appeared and filed
power of attorney on behalf of the defendant No. 3.
Same is taken on record.

Plaintiff has suffered the statement that he
has compromised the matter with the defendant
No. 3. He has exhibited the copies of ale deed as
Ex. P1 and Ex. P2. The plaintiff does not want to
pursue with the present suit. He withdraw the
present suit and same may kindly be dismissed as
withdrawn.

Separate statement of defendant No. 3
regarding the above said compromise has been
recorded.

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In view of the above said statements suffered by the plaintiff and defendant, the present file be now put up on 11.05.2024 before the National Lok Adalat for consideration on compromise.

Another application has been moved by the Ld counsel for plaintiff to seek the uncertified copy of the statement suffered by the plaintiff and defendant No. 3. Heard. In view of the contents mentioned in the body of the application, copy of the order passed today in the case file be given to the Ld counsel for plaintiff applicant. The application stands disposed of accordingly. File be put up on the date fixed.”

4. Petitioner is supported by Mr. Gupta appearing for Sukhvir Singh Jassar.

5. Bail plea is opposed by the State counsel as well as Mr. Sawney, Advocate appearing for Anita Rani to submit that so far as the factum of forgery of power of attorney of the complainant is concerned i.e. evident and the petitioner cannot wash away his hands therefrom only for the reason that the complainant has sold the plots.

6. Without commenting on the merits of the case, keeping in view that the petitioner is behind bars for 02 months and 01 day and has clean antecedents and so far as the primary dispute with respect to the sale of the plot is concerned the same stands settled, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

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7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

08.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No